

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7770

Amended Joint Petition of Central Vermont Public Service Corporation ("CVPS"), Danaus Vermont Corp., Gaz Métro Limited Partnership ("Gaz Metro"), Gaz Métro inc., Northern New England Energy Corporation ("NNEEC") for itself and as agent for Gaz Métro's parents, Green Mountain Power Corporation ("GMP") and Vermont Low Income Trust for Electricity, Inc. ("VLITE"), for approval of: (1) the merger of Danaus into and with CVPS; (2) the acquisition by NNEEC of the common stock of CVPS; (3) the amendment to CVPS's Articles of Association; (4) the merger of CVPS into and with GMP; and (5) the acquisition by VLITE of a controlling interest in Vermont Electric Power Company, Inc.

Order entered: 11/1/2011

**ORDER RE INTERVENTION MOTIONS**

In this Order the Public Service Board ("Board") grants 16 motions for permissive intervention in this proceeding and one *pro hac vice* motion. In addition, the Board establishes a deadline of November 7, 2011, for any additional responses to the petition to appoint independent counsel filed by one of the intervening parties.

**BACKGROUND AND DESCRIPTION OF INTERVENTION MOTIONS**

At the prehearing conference on September 21, 2011, the Board granted AARP's motion to intervene that had been filed earlier that day. In a supplemental scheduling order on October 3, 2011, the Board established October 17, 2011, as the deadline for timely intervention motions. Since the prehearing conference, 16 additional motions to intervene have been filed with the Board. This Order addresses the motions to intervene filed by the following:

1. International Business Machines Corporation ("IBM") (filed on September 26, 2011, along with a motion for admission *pro hac vice*);

2. Omya, Inc. ("Omya") (filed on September 30, 2011);
3. International Brotherhood of Electrical Workers, Local Union 300 ("IBEW") (filed on October 3, 2011);
4. Vermont Public Power Supply Authority ("VPPSA") (filed on October 7, 2011);
5. Vermont Ski Areas Association, Inc. ("Ski Vermont") (filed on October 11, 2011);
6. City of Burlington Electric Department ("BED") (filed on October 12, 2011);<sup>1</sup>
7. Vermont Electric Power Company, Inc. ("VELCO"), Vermont Transco LLC ("Transco") and Vermont Electric Transmission Company, Inc. ("VETCO" and collectively with VELCO and Transco, the "Velco Companies") (filed on October 13, 2011);
8. Vermont Electric Cooperative, Inc. ("VEC") (filed on October 14, 2011);
9. Washington Electric Cooperative, Inc. ("WEC") (filed on October 17, 2011);<sup>2</sup>
10. Town of Stowe Electric Department ("SED") (filed on October 17, 2011 );<sup>3</sup>
11. Associated Industries of Vermont, Inc. ("AIV") (filed on October 17, 2011);
12. Renewable Energy Vermont ("REV") (filed on October 17, 2011);
13. Vincent Illuzzi and 45 other Vermont residents and ratepayers ("Group of 46 Ratepayers") (filed on October 17, 2011, and accompanied by a Petition to Appoint Independent Counsel);
14. City of Rutland ("Rutland") (filed on October 18, 2011);
15. Vermont Public Interest Research Group ("VPIRG") (filed on October 18, 2011);
16. Ampersand Gilman Energy LLC , Ampersand Gilman Hydro LP, Ampersand Gilman Biomass LLC and Ampersand Gilman Site Optimization LLC (collectively, the "Ampersand Companies") (filed on October 18, 2011).

The Vermont Department of Public Service ("Department") does not oppose any of the intervention motions, although it distinguishes between motions that it believes should be

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1. BED filed a reply in support of its motion to intervene following the Petitioners' response to its motion on October 26, 2011.

2. WEC filed a reply supporting its motion to intervene following the Petitioners' response to its motion on October 26, 2011.

3. SED filed a reply in support of its motion following the Petitioners' response to its motion on October 26, 2011.

granted as of right and those which should be granted permissively.<sup>4</sup> The Petitioners<sup>5</sup> filed responses to the various intervention motions on October 6, October 21 and October 24. The Petitioners oppose only the motion to intervene filed by the Group of 46 Ratepayers, but have put forth proposals to define the scope of intervention by each of the other interveners.<sup>6</sup> AARP did not file any objections to the intervention motions.<sup>7</sup>

Almost all the movants argued in the alternative either that they are entitled to intervention as of right under Board Rule 2.209(A) or that they should be permitted to intervene by the Board under Board Rule 2.209(B).<sup>8</sup> The movants, for the most part, generally contend that they have substantial interests which may be affected by the outcome of this proceeding, that their interests are particularized and unique and, because of this or for other reasons, will not be adequately protected by other parties, that alternative means do not exist to protect their interests and that their intervention will not unduly delay the proceeding or prejudice the interests of existing parties or of the public. In support of their respective motions to intervene, the movants identified the following interests that may be affected by the proposed transactions.

**IBM.** As a business electricity customer, IBM asserts that it has an interest in ensuring that the proposed transactions do not have an adverse impact on the reliability of its electric service or its rates. IBM states that the reliable delivery of electricity is critical to its operations and that electricity costs represent a significant portion of its total operating costs.

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4. See cover letter and response of the Department filed on October 21, 2011.

5. The Petitioners are Central Vermont Public Service Corporation, Green Mountain Power Corporation ("GMP"), Gaz Métro Limited Partnership ("Gaz Métro"), Gaz Métro inc., Vermont Low Income Trust for Electricity, Inc., Danaus Vermont Corp., and Northern New England Energy Corporation ("NNEEC") for itself and as agent for Valener Inc., Noverco, Inc., Caisse de dépôt et placement du Québec, Capital d'Amérique CDPQ Inc., Trencap L.P., Enbridge Inc., and IPL System Inc.

6. See Petitioners' responses filed on October 6, October 21 and October 24, 2011.

7. None of the movants requesting intervention filed objections to other movants' intervention motions, except for the Velco Companies, which opposed the motion to intervene by the Group of 46 Ratepayers in a filing on October 21, 2011.

8. In its motion, IBEW only referenced Board Rule 2.209(A)(3) (intervention as of right). Given the lack of objection to IBEW's motion and to avoid further delay, the Board will construe IBEW's motion as also requesting permissive intervention. In their motion, the Ampersand Companies did not assert that they were entitled to intervention as of right but sought intervention by permission.

**Omya.** Omya notes that it owns the Verpol industrial facility and that it is the largest single customer of CVPS. It is concerned about the effect the proposed transactions may have on service and rates.

**IBEW.** IBEW is concerned about the impact of the proposed GMP/CVPS merger on its members and on the existing collective bargaining agreements. IBEW states that it has 206 members who work at CVPS and 107 members who work at GMP, and that these members are covered by separate collective bargaining agreements with each company. IBEW notes that the two companies have distinct histories, cultures and labor relations and that the separate collective bargaining agreements reflect these differences. IBEW is concerned about the effect of the merger on employment at the combined company and about additional workforce pressures related to attrition and retirements.

**VPPSA.** VPPSA, a public instrumentality whose membership consists of twelve Vermont municipal electric distribution utilities, notes that the proposed transactions affect the ownership and control of the Velco Companies and contemplate the direct involvement of VPPSA and its members in the Vermont Low Income Trust for Electricity, Inc. ("VLITE"). VPPSA also observes that the proposed transactions may affect various arrangements and agreements to which VPPSA members as well as CVPS and/or GMP are participants or parties, including arrangements and agreements related to power resources, transmission, sub-transmission and other services.

**Ski Vermont.** Ski Vermont is a trade association representing nine ski resorts in Vermont, five of which are currently customers of CVPS and three of which are customers of GMP. Ski Vermont states that electricity is essential to the business operations of its members and represents their second largest operational expense. Ski Vermont notes that existing ski area tariffs are "unique to GMP and CVPS" and that their members "share a common interest in how those tariffs will be reconciled under a single entity" and the equitable sharing of the savings related to the merger.<sup>9</sup>

**BED.** BED, a municipal electric distribution utility, is a party to several contractual arrangements that also involve GMP and/or CVPS and that may be affected by the proposed

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9. Ski Vermont's Motion to Intervene (10/11/11) at 2.

transactions. Among other possible concerns, BED notes that the voting rights under some of these arrangements are based upon retail load and suggests that the interests of minority participants, such as BED, in these arrangements may be affected by the GMP/CVPS merger.

***Velco Companies.*** The proposals of the Petitioners would change the ownership and governance of the Velco Companies, which own and operate the statewide electric transmission system. The Velco Companies observe that they have substantial interests in ensuring that any proposed changes to the ownership and governance structure of the Velco Companies will not adversely affect them, their duty to provide safe, cost-effective and reliable transmission service in Vermont and the region, or their ability to efficiently and effectively meet their obligations to shareholders, customers, regulators and other stakeholders.

***VEC.*** VEC, a member-owned electric distribution utility, is a party to agreements with CVPS and GMP and has an interest in the transfer to, and assumption by, the combined company of the rights and obligations under these agreements. As one of the owners of the Velco Companies, VEC also has an interest in the proposals related to the ownership and governance structures of the Velco Companies and VLITE. In addition, a CVPS transmission line runs through VEC's service territory and serves a number of VEC substations. VEC has had concerns about the reliability of service on this CVPS line on which a significant percentage of its member/customers depend and has an interest in how the line will be operated and maintained by the combined company.<sup>10</sup>

***WEC.*** WEC, a member-owned electric distribution utility, notes that it is party to various agreements with CVPS and GMP and a minority participant in arrangements involving them, which may be affected by the merger of those two companies. In addition, many of WEC's substations receive sub-transmission service from GMP, and WEC has an interest in ensuring that service from the combined company continues to be reliable. WEC also cites its interest in the proposed governance structure of the Velco Companies and the proposed involvement of VLITE in that structure.

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10. VEC also has concerns about changes to CVPS and GMP transmission rates, which it is seeking to address as part of the Petitioners' FERC filing.

**SED.** SED, a municipal electric distribution utility, states that it has numerous interests with respect to this proceeding, including interests related to joint power purchase and ownership agreements and the management and ownership of Vermont's transmission infrastructure. SED also notes that both CVPS and GMP perform contract line work for SED.

**AIV.** AIV states that it is an association representing Vermont's industrial and business community, particularly manufacturers, which are major electricity consumers. AIV observes that the outcome of this proceeding could affect the cost, reliability, service quality and other electricity attributes of critical concern to commercial and industrial ratepayers. AIV also contends that the issues at stake in this proceeding are important to Vermont's economic environment and that protecting and improving the health of Vermont's economic environment is a central part of AIV's mission.

**REV.** REV states that it is a trade association representing over 300 businesses involved in renewable project development, installation and power production in Vermont. It notes that renewable projects are significantly affected by financing considerations, interconnection issues and the partnering utility. Among the financing considerations REV cites are utility rate structures (including the allowance of time-of-use block rate structures in connection with Smart Grid initiatives), least-cost calculations and tariff methodologies. REV contends that the role of utilities and the Velco Companies in determining interconnections and net-metering issues has a considerable impact on REV members. REV states that it also has an interest in proposals related to an Energy Innovation Center and a Solar City project in Rutland as well as in proposals related to the windfall sharing fund.

**Group of 46 Ratepayers.** This motion to intervene was filed by Vincent Illuzzi and agreed to and signed by 45 other Vermont residents and ratepayers of CVPS, GMP and other Vermont utilities. Mr. Illuzzi and the other signatories to this motion to intervene believe their interests are adversely affected by the proposed transactions. The motion notes that all signatory ratepayers, including those who are customers of Vermont utilities other than CVPS or GMP, indirectly support and are affected by the Velco Companies. The Group of 46 Ratepayers emphasize the importance of this proceeding to the state and to ratepayers given that the proposed transactions involve the merger of the state's two largest utilities under Canadian

ownership. They are concerned about the long-term impacts of the proposed transactions on the state, its economy and its environment. The Group of 46 Ratepayers want to have the opportunity to test the claims that the proposed transactions in the long term will result in greater efficiencies, lower rates and better service. The Group of 46 Ratepayers express particular concern about changes to the control and governance of the state's electric transmission system and believe that this proceeding provides an unprecedented opportunity to give Vermonters a greater role in the ownership and profits of the Velco Companies.

***Rutland.*** Rutland notes the importance of CVPS to the city's economy and the substantial interests Rutland has in the outcome of this proceeding. Rutland states that CVPS is headquartered in Rutland and is one of the city's largest employers. Rutland expresses concern about the possibility that jobs currently located in Rutland will be either eliminated or transferred to Colchester and about how any consolidation of the operational activities of the combined company will affect Rutland and its economy.

***VPIRG.*** VPIRG states that it is a public interest organization with a broad mission of promoting and protecting the health of Vermont's people, environment and locally-based economy. VPIRG also states that protecting consumer interests and promoting renewable energy are two of its highest priorities. VPIRG asserts that it has a substantial interest in addressing "all the potential impacts upon the people of Vermont and VPIRG's members that arise from the consolidation of Vermont's two largest electric utilities and the potential power their combined entity will have over decision-making processes affecting Vermont's energy future in regard to transmission, distribution and generation, as well as the cost of electricity to Vermont consumers."<sup>11</sup>

***Ampersand Companies.*** The Ampersand Companies own generation assets in Vermont and are both a supplier of power to CVPS and a customer of CVPS. They currently have one interconnection agreement with CVPS and are negotiating a second one. As an energy supplier to Vermont distribution utilities, the Ampersand Companies have a concern about an increase in the monopsony power of the combined company in the in-state renewable energy market. As a customer of CVPS, the Ampersand Companies assert an interest in the effect of the proposed

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11. VPIRG Motion to Intervene at 2.

transactions on rates and service, the proper allocation of prudently incurred costs, the windfall sharing mechanism and issues related to how the savings related to the merger will be shared. The Ampersand Companies also contend that the participation by one of its principals in these proceedings will assist the Board's consideration of the matters at issue in this proceeding.

#### **RULINGS AND DISCUSSION RELATED TO INTERVENTION MOTIONS**

Given the absence of opposition by any of the parties to the intervention motions by IBM, Omya, IBEW, VPPSA, Ski Vermont, BED, the Velco Companies, VEC, WEC, SED, AIV, REV, Rutland, VPIRG and the Ampersand Companies, the Board grants all these intervention motions on a permissive basis pursuant to Board Rule 2.209(B). The Department in its response distinguished between motions that it believes should be granted as of right (the electric distribution utilities and the Velco Companies) and those (all others) which should be granted permissively.<sup>12</sup> The Board does not believe it is necessary to parse the various intervention motions to determine which, if any, of the interveners have established grounds for intervention as of right. It is the Board's view that once intervention is granted, an intervening party's ability to participate in the docket is not affected by whether that party's intervention was granted as of right or permissively.<sup>13</sup>

The Petitioners base their opposition to the motion to intervene filed by the Group of 46 Ratepayers on a number of grounds, including the failure of the Group of 46 Ratepayers to demonstrate a "particularized interest" that will be affected by the proposed transactions. The Petitioners note that in the context of Section 248 proceedings, the Board has concluded that generalized concerns as to health or economic impacts that affect the movant and the larger public equally provide an insufficient basis for permissive intervention. They also observe that when ratepayer groups have been permitted to intervene in Board proceedings, it has typically been based on a determination that the ratepayer interests in question are sufficiently distinct

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12. With respect to the movants granted permissive intervention, the Department would limit their participation in this proceeding to the individual issues identified in their respective filings. Department's Response to Motion to Intervene and Opposition to Petition to Appoint Independent Counsel (10/21/11) at 11.

13. Some movants and parties appear to suggest that the Board can only limit the scope of intervention by permissive interveners and that interveners as of right can participate in Board proceedings without restriction. *See*, for example, SED's Motion to Intervene at 3. However, Board Rule 2.209(C) allows the Board to impose restrictions on any party that has been granted intervention.



from the general public interest that they cannot be adequately represented by the Department. The Petitioners also express concern that by permitting the Group of 46 Ratepayers to intervene, the Board would be required to permit intervention by a limitless number of ratepayer groups.

In their responses of October 21 and October 24, the Petitioners also make proposals for limitations the Board should adopt to govern the scope of intervention by each of the intervening parties. BED, WEC and SED each filed replies on October 26, 2011, in which they objected to the Petitioners' proposed limitations on the scope of their respective interventions.<sup>14</sup> They point out that additional issues affecting their interests may arise during the course of this proceeding and express a concern that they not be precluded from raising such issues as they arise. As WEC argues:

The implications of this merger are far reaching, and additional issues legitimately impacting WEC and its members may arise despite not having been previously identified. WEC has not even had a meaningful opportunity to conduct discovery. WEC should not be limited in the ability to raise or litigate additional issues merely because it failed to identify them in advance.<sup>15</sup>

The Board believes that all the intervention motions and any limitations on the scope of intervention must be seen in the context of the proposed transactions and their significance for the state, ratepayers of all classes, other utilities, in-state power suppliers and developers, businesses, Vermont communities and employees. As several of the movants of intervention motions have noted, the proposed transactions have significant and far-reaching implications for Vermont.

The proposed transactions involve the merger of the state's two largest electric distribution utilities and would result in the ownership by Gaz Métro and its parent companies (including Caisse de dépôt et placement du Québec and Enbridge, Inc.) of an electric distribution company serving approximately 70% of the state's retail electric load as well as the state's only retail gas distribution utility, Vermont Gas Systems, Inc. The proposed transactions will also have significant consequences for the ownership, control, governance and operation of Vermont's

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14. It appears that at least some of the objections to the Petitioners' response by BED, WEC and SED set forth in their October 26 replies may not have taken into account the supplemental response of the Petitioners that was filed on October 24.

15. WEC's Reply Supporting its Motion to Intervene (10/26/11) at 2.

transmission infrastructure, which is owned and operated by the Velco Companies. The outcome of this proceeding could have far-reaching long-term effects on rates and service to all classes of utility customers, on the transmission and distribution of electricity, on other utilities, on renewable energy development, on in-state energy markets, on various state initiatives, on future industry consolidation and on competition, employment, the economy and the business and natural environment in Vermont.

Given the magnitude of the proposed transactions and their long-term significance for the state, it is important for the Board to allow the participation of, and take evidence from, parties with a broad range of perspectives and diverse viewpoints. The Board's interest in hearing evidence from a broad range of parties and diverse viewpoints, of course, must be balanced against legitimate docket management issues that accompany a proceeding with a large number of different parties. However, given the absence of opposition by any of the parties to 16 out of the 17 intervention motions filed in this docket and the lack of opposition to the intervention motion by the Group of 46 Ratepayers by the Department,<sup>16</sup> the Board believes it is appropriate to construe its intervention precedents liberally in the context of this unprecedented and extraordinarily significant proceeding to permit the proposed intervention by the Group of 46 Ratepayers. Accordingly, the Board grants the intervention motion of the Group of 46 Ratepayers on a permissive basis under Board Rule 2.209(B).<sup>17</sup>

The Board acknowledges the Petitioners' arguments and recent Board precedent concerning intervention motions by residential ratepayer groups and others who fail to demonstrate a sufficiently particularized interest, but views them as inapplicable to this proceeding. In addition to the considerations discussed above, the Board notes that there are

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16. Although the Department does not oppose this intervention by permission, its position was based on the condition that the issues the Group of 46 Ratepayers "are to be heard on are limited to the individual issues identified in their filing." Department's Response to Motion to Intervene and Opposition to Petition to Appoint Independent Counsel (10/21/11) at 11.

17. The Board construes this intervention motion as having been made by a group of ratepayers for which Mr. Illuzzi is the spokesman or representative. Based on the framing of the motion, the Board would view service upon Mr. Illuzzi, or counsel designated by him, as constituting service upon the Group of 46 Ratepayers. The Board would also expect that all actions of the Group of 46 Ratepayers as a party to this proceeding will be coordinated through Mr. Illuzzi or counsel designated by him. Mr. Illuzzi, or counsel designated by him, should also file a notice of appearance in this proceeding with the Board.

several interveners representing a range of commercial and industrial customers of CVPS and GMP, but that no groups, except for the Group of 46 Ratepayers and, to a limited extent, AARP and VPIRG, sought intervention by the intervention deadline as representatives of residential ratepayers (though, admittedly, the Group of 46 Ratepayers may represent the views of only a small segment of residential ratepayers). Also, for this reason, the Board is not concerned about the intervention in this proceeding by a limitless number of ratepayer groups with generalized interests. Because the Board is granting the intervention motion of the Group of 46 Ratepayers on other grounds, it does not need to take into consideration any of the allegations and arguments made by the Group of 46 Ratepayers (or the responses of the Petitioners and the Department to those allegations and arguments) that the Department will be unable to effectively and completely represent the public interest because of the Governor's prior statements about the proposal and the relationships between the administration and the Petitioners.<sup>18</sup>

Based on the significance of this proceeding for Vermont and the discussion above, including the reasons cited by several of the movants in their intervention motions and replies, the Board is reluctant to impose strict limitations on the scope of interventions at this time. As a general proposition, each intervening party's participation in this docket will be limited to the substantial interests it has identified in its filings, but it is to be expected that discovery, further refinements to the Petitioners' proposals or other developments in this proceeding may raise additional issues for some of the parties that were not anticipated at the time they filed their motions to intervene.

The Board appreciates that the objective behind strictly defining the scope of intervention of an intervening party at the outset is related to the effective, efficient and timely management and adjudication of a multi-party proceeding like this one. Although the Board welcomes the opportunity to have the benefit in this proceeding of a wide range of well-informed perspectives and views, the Board, itself, is concerned about the large number of intervening parties in this docket and the additional burden that it will impose on the existing parties and the Board.

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18. See Memorandum of Law in Support of Intervention included with the October 17 filing of the Group of 46 Ratepayers at 2-5, Department's Response of October 21, and Petitioners' Response of October 21. The same allegations and arguments are raised in the petition to appoint independent counsel filed by the Group of 46 Ratepayers with their motion to intervene.

Accordingly, the Board reminds all parties of their responsibilities as parties to this proceeding under Board Rules.<sup>19</sup> The Board also encourages parties with similar interests to work together in the preparation of testimony and discovery and the examination of witnesses. In addition, to help ensure as constructive, informative and efficient a process as possible, the Board wishes to advise the intervening parties of the need (i) to familiarize themselves fully with the Amended Petition and all prefiled testimony related to any matter that affects their interests, and (ii) to provide an evidentiary basis and a legal or policy analysis, if appropriate, for any conclusions or recommendations they present to the Board.

Although the Board will welcome any well-supported presentation of evidence that is relevant to the determinations it is required to make under state law, it will seek to prevent conduct that is unduly burdensome or dilatory to the process or that attempts to insert clearly tangential issues into this proceeding (including any attempt to use one's party status to extract concessions from other parties related to such tangential issues that should be addressed in other proceedings). To the extent necessary, the Board retains the authority to limit the participation of any intervening party "as the interests of justice and economy of adjudication require" under Board Rule 2.209(C). In particular, the Board may consider further restrictions on the scope of intervention in this proceeding by the intervening parties and the issues they may address after the filing of the non-Petitioners' prefiled testimony.

#### **OTHER ACTIONS**

IBM's motion to intervene was accompanied by a motion for special admission of Leonard H. Singer and Adam T. Conway, *pro hac vice*, to represent IBM as lead counsel in this proceeding. Both Messrs. Singer and Conway are with the law firm of Couch White LLP in

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19. This includes the requirements that a notice of appearance be filed and that all documents filed with the Board be timely served on the other parties to the proceeding. Any intervening party that has not yet filed a notice of appearance with the Board should do so immediately. The Board notes that some of the intervening parties did not serve the other parties at the same time they filed their intervention motions. *See* Petitioners' Supplemental Response to Motions to Intervene (10/24/11) at 2. The Board will have little tolerance in the future for intervening parties who do not follow Board Rules (which are posted on the Board's website) or who fail to adhere to deadlines established in the schedule for this docket. The Board anticipates, however, that the parties may enter arrangements among themselves by which they waive paper service requirements to the extent other parties provide their filings, requests and responses to them electronically on a timely basis. The parties should be aware, however, that the timeliness of any filing with the Board is determined by the date on which the Board receives the paper filing.

Albany, New York, and are admitted to practice law in New York. IBM states that their participation in this proceeding will aid the Board due to their firm's specialized knowledge of energy and public utility law. This motion is granted.

The filing on October 17, 2011, by the Group of 46 Ratepayers included, with the Motion to Intervene, a Petition to Appoint Independent Counsel in this proceeding. Several of the parties have already filed responses to this petition and the Group of 46 Ratepayers has filed a reply.<sup>20</sup> The Board will now treat this petition as a motion filed by one of the parties and will give other parties that wish to file responses until November 7, 2011, to do so.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 1<sup>st</sup> day of November, 2011.

<u>s/ James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/ David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/ John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: November 1, 2011

ATTEST: s/ Susan M. Hudson

Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*

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20. In a filing on October 27, 2011, the Department informed the Board that in order to facilitate a prompt resolution of this matter, it would not seek leave to file a surrebuttal to this reply.